

IN THE UNITED PATENT AND TRADEMARK OFFICE

In re Application of
Stapper, et al

Examiner: Valenrod, Yevgeny
Art Unit: 1621

Application No.: 10/789,324

Filed: February 27, 2004

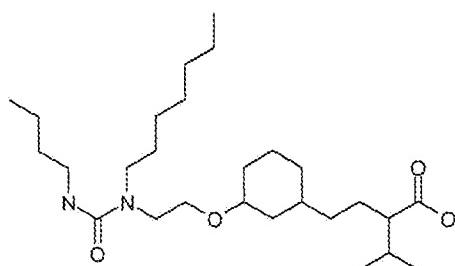
Title: **Cycloalkyl-substituted alkanoic acid derivatives, processes for their preparation and their use as pharmaceuticals**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Restriction Requirement mailed on 05/30/06.

Per Examiner's request, Applicant herein elects to prosecute the claims of Group I (Claims 1-10 directed to a compound of formula I and to pharmaceutical compositions comprising the same). The Examiner requested that Applicant identify a species that is consonant with the election. Furthermore, Applicant was requested to provide a listing of all the claims listable thereon. Applicant elects the compound of Example 5 (see page 31 and 48) as the single species. The claims reading thereon are Claim 1 and Claims 3-10. Example 5 has the following structure:



Applicants submit that once the compounds of the present invention are found to be novel, then the other Groups defined by the Examiner that contain any compositions of matter containing those compounds should also be found to be novel and rejoined. Likewise, pursuant to linking claim practice, at least one of the method claims should be rejoined.

Furthermore, Applicants affirm their right to file one or more divisional applications with respect to any of the non-elected subject matter.

Respectfully submitted,



Barbara E. Kurys, Reg. No.: 34,650
Attorney/Agent for Applicant

sanofi-aventis Inc. LLC
U.S. Patent Operations
Route #202-206 / P.O. Box 6800
Bridgewater, New Jersey 08807-0800
Telephone: 908-231-2965
Telefax: 908-231-2626

sanofi-aventis Docket No. DEAV2003/0020USNP